

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
800 Presubscription Rules)
for 800 Providers and) RM-_____
Responsible Organizations)

REPLY OF AMERICAN TELEPHONE AND TELEGRAPH COMPANY

Pursuant to the Commission's Public Notice dated February 23, 1993 (DA 93-214), American Telephone and Telegraph Company ("AT&T") hereby replies to the comments on the Emergency Petition for Declaratory Ruling or, in the Alternative, Rulemaking ("Petition"), filed by Allnet Communication Services, Inc. ("Allnet"). The comments fail to demonstrate that the proposed rules should be adopted at this time. The comments do, however, demonstrate the need for the Commission to clarify that the end user customer or its authorized agent will control the 800 number and direct SMS record changes in a resale situation.

There is broad consensus among the commenters¹, including AT&T, that Resp Org changes should be processed

¹ Comments were filed by AT&T, Wiltel, Inc. ("Wiltel"), Sprint Communications Company LP ("Sprint"), MCI Telecommunications Corporation ("MCI"), Nynex Telephone Companies ("Nynex"), Competitive Telecommunications Association ("CompTel"), BellSouth Telecommunications, Inc. ("BellSouth"), LDDS Communications, Inc. ("LDDS"), Business Telecom, Inc. ("BTI"), The Long Distance

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within two business days after requested by the customer, and that carrier routing changes should be processed within two business days after the new carrier accepts a traffic change requested by the customer.² Some commenters propose minor variations,³ but all parties agree that Resp Orgs should promptly make Resp Org and carrier routing changes. The primary disagreement relates to whether these principles should be codified in the form of Commission rules or applied through the industry guidelines which have been developed by the CLC Ad Hoc 800 Data Base Committee and through the SMS/800 tariff.

Several parties suggest that formal rules are necessary, but they fail to produce any evidence that would show that the procedures currently in place (the industry guidelines and the SMS/800 tariff) are insufficient. To the contrary, these procedures clearly require that Resp Org

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Partnership ("LDP"), and Pacific Bell and Nevada Bell ("Pacific Companies").

² The Commission has required that the SMS/800 Tariff include requirements that, prior to placing any service order in the SMS, Resp Orgs notify and obtain the acceptance of any carrier to which they will be sending 800 traffic. In the Matter of Provision of Access for 800 Service, CC Docket No. 86-10, Order, released February 10, 1993, ¶ 43. ("Declaratory Ruling Order")

³ For example, MCI proposes (pp. 2-4) that changes be made within 48 hours while LDDS proposes (p. 2) three business days.

changes and carrier routing changes be made within the desired time frames, and there is no evidence that any Resp Org would intentionally violate these requirements. Moreover, the Commission's decision that the NASC may make Resp Org changes at the customer's request⁴, renders any such delay tactics useless.

The obvious benefit to be gained from the industry

guidelines/tariffing approach is that these procedures can

the policy most consistent with the goal of 800 number portability would be to require the Resp Org to take its direction for SMS record changes from the end user or its authorized agent. The disadvantages to the reseller from this policy are no different than the disadvantages presented to all 800 carriers by 800 number portability. For example, LDP's concern (p. 5) that "[e]nd users could avoid their financial obligations to resellers by simply switching carriers without notice, much less payment of current accounts" applies equally to all 800 service providers. There is no basis for giving resellers more control over 800 numbers than is given to other 800 carriers.

A reseller or other carrier, of course, may be appointed the authorized agent of its end users and, pursuant to such agency, request a change in the Resp Org or transport carrier. The reseller should, however, be prepared to document for the Resp Org that it is an authorized agent of the end user. Further, to minimize confusion as to who may request SMS record changes, the Resp Org should be notified, either by the reseller or the end user, of the identity of the end user customer for each 800 number the Resp Org administers.⁶ These simple procedures

⁶ This procedure would address Sprint's (p. 5), LDDS's (p. 2) and The Pacific Companies' (p. 3) concern that the Resp Org might not know the identity of the end user customer.

will promote 800 number portability and the timely processing of 800 SMS record changes without interfering with the legitimate resale of 800 services.

Several parties raise issues that are beyond the scope of Allnet's petition and the Commission's notice (DA 93-214). These new issues should only be entertained after notice and a full opportunity to comment.⁷ For example, Sprint (p. 7), Nynex (p. 3) and MCI (pp. 6-7, Attachment) request that the Commission apply its rules regarding verification of outbound PIC changes⁸ to 800 SMS changes initiated by a carrier or a prospective Resp Org on behalf of the end user. While verification procedures clearly are necessary, the outbound PIC rules, which do not require a customer signature, may not be sufficient to prevent "slamming" of 800 customers or the improper diversion of 800 numbers. These problems may be particularly acute if the Resp Org does not know the identity of the end user customer

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⁷ See e.g. In the Matter of Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation, 7 FCC Rcd. 3251, 3260 (1992) (requests for extension of compensation mechanism denied on the grounds that they were outside the scope of the proceeding); In the Matter of Amendment of Part 22 of the Commission's Rules, 6 FCC Rcd. 6185, 6233 (1991) (recommendations beyond scope of the notice of proposed rulemaking and therefore made part of a further notice of rulemaking.)

⁸ 47 C.F.R. § 64.1100

associated with an 800 number. Indeed, contrary to the
outbound PIC rules, the industry has already concluded that
the minimum information necessary for a Resp Org change

includes the customer's signature & the 800 number

is necessary because AT&T wants to maintain the existing "back-haul" trunk routing arrangement for the intraLATA calls of some customers.¹⁰ Besides raising issues that go far beyond the scope of this proceeding, Nynex's comments do not raise any real dispute or controversy. Although AT&T disagrees with Nynex's factual claims and arguments in several important respects, the dispositive answer is that AT&T, as Resp Org, will certainly route the calls at issue in accordance with customers' wishes. If a customer instructs AT&T, as Resp Org, to create a record in the SMS that would cause intraLATA calls to be routed directly to the LEC, AT&T will do so.

¹⁰ The small number of customers at issue currently have intrastate "shared 800 service" and also have interstate service on the same 800 number. AT&T seeks only to maintain the existing routing arrangement for these customers, not to create or impose some new arrangement in the data base. The existing arrangement allows these customers to receive the full benefit of certain AT&T features. For example, a customer may wish to use an AT&T routing or control features to route its call to the desired destination. The jurisdiction of the call will not be known until the call is routed by the AT&T feature in accordance with the customer's instructions. If, instead, intraLATA calls are routed directly by the LEC data base, then the customer will be denied the ability to use the AT&T feature to route those calls to another destination.

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CONCLUSION

For the reasons set forth above and in AT&T's initial comments, AT&T respectfully requests that the Commission deny Allnet's petition for rulemaking, but that the Commission clarify that Resp Orgs should take their direction regarding SMS changes from the end user, or its authorized agent, rather than from the end user's reseller. New proposals set forth in the comments of various parties should not be considered except after notice and full opportunity to comment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Viola Carlone, hereby certify that a true copy of the foregoing Reply of American Telephone and Telegraph Company was this date served by first class mail, postage prepaid, upon each of the following persons on the attached service list.

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